

and crosses his fingers and hopes he will not get rained on too much, or that it will not be too dry, or that insects do not destroy the crop. They hope to harvest it, and when they harvest it, they hope the price will not be so low that they lose a ton of money. Those are the risks and uncertainties they face.

Why did anywhere from 800 to 1,000 people show up Friday in Bismark, ND, to meet Secretary Glickman and talk to him for 3 hours about what they think ought to be done? Because it is their livelihood, their future. This is not a case of it being inconvenient if things do not work out. This is a case of losing everything you have if you are on a family farm and things do not work out.

The basic message Friday in North Dakota by all of those family farmers and others speaking to the Agriculture Secretary was a message that the current farm program is not enough and does not work very well. That does not mean that we need more in order to make it work better. The resources we now spend on the farm program in this country, better applied, could provide a better life for family farmers by providing a safety net to give family farmers a chance to make a decent living.

We do not need to provide farm price support to the biggest corporate agri-factories in America for every bushel of grain they produce; yet, we do—a loan rate for everybody in the program for every bushel of wheat they produce, no matter how large they are.

We have all seen reports that the Prince of Liechtenstein was getting benefits for farming in Texas, and a group of Texans who concocted a consortium or amalgamation partnership of sorts and they farm in Montana, section by section, by dropping seeds out of the helicopters. They are not farming the land; they are farming the farm program. We have seen those abuses. We ought to eliminate them.

We ought to change the farm program so that we have a farm program that is actually able to spend less money but provide more help to family-sized farmers. I have submitted a proposal, and I have entered it into the RECORD, and I have written about it, and I will provide a piece I have written on the subject.

This proposal is substantially different than the current farm program. It says let us retain a basic safety net of support prices, and do it in a way that provides the strongest support for the first increment of production, which has the ability to provide the most help for family-sized farms. Above that, you do not need price supports. If you want to farm the whole country, God bless you. But the Federal Government does not have to be your financial partner. You can assume those risks alone.

Second, in addition to a better price support for production designed to help family farmers, let us get government off farmers' backs and stop having gov-

ernment describe what they can plant, when they can plant, and where they can plant it. Let us get family farmers better prices for the output of their production, and let the rest of the people above that—if you want to plant above that—get their signals from the marketplace. More help, less government, at less cost. That is what I want to see from a farm program.

If the purpose of the farm program is not to help family farmers, if that is not the first sentence or preamble of the farm program—we design a farm program because we want the farm program to try to provide a safety net under family farmers, because for social and economic reasons it is important for America to have a network of family farms, and family farmers do not have the financial strength to withstand price depressions that are international price swings; they do not have the financial strength to withstand crop failures and price depressions, so that is why we have a safety net.

If that is not the first line of the farm bill, saying this farm bill is designed to provide a safety net for family-sized farms, then scrap the whole farm bill. We do not need a farm bill to help corporations plow. They will do fine. They are big enough, strong enough, and they can plow enough land to farm the whole country. That is fine. I do not happen to think that is good for the country, but if that is who is going to plow the ground in America, they do not need the farm program.

If it is about helping farmers get a decent price support, make that the first line in the farm bill and make the bill comport to that.

In the early 1860's, President Abraham Lincoln created a U.S. Department of Agriculture. By the way, he had nine employees in the Department of Agriculture in the 1860's. One and a third centuries later, we have a USDA, but it has 100,000 employees, that is adding the Forest Service to it. It is a behemoth organization. My central premise is that it is either going to help family farmers, or we do not need any of the USDA.

The President has done the right thing in having regional farm forums. They are having a rural summit at Ames, IA, tomorrow to listen and hear what farmers are saying in this country and then write a new farm plan that does real good for family farmers.

Let us not just do what we have done for the past couple of farm plans and say we will have the same farm plan but a little less. I do not support that. Let us change it in a way that says this farm program relates to the needs of family farmers, and do it in a way that costs less money to the Federal Government and also has less Government interference in the lives of our farmers.

I am not going to be able to be in Ames, IA, tomorrow. The President invited me to go. He invited Congressman DURBIN to go. Since the House of Representatives is not in session, I ex-

pect that Congressman DURBIN will be there. I was not able to take advantage of the President's invitation because it appears we are going to have votes in the Senate tomorrow.

I was pleased to participate in the regional forums, and I am delighted to have been a small part in doing what I think we should do in this country—having the President convene a rural summit and start thinking and talking about what works and what does not, what can work to breathe economic life into our rural counties and towns, what can give people in those areas an opportunity for the same kinds of jobs and hope and future that many others in our country now have.

Mr. President, I want to say that I appreciate the indulgence of the Senator from Washington. I will be coming to the floor to speak on the subject that is on the floor—product liability—at some point in the future. I am on the Senate Commerce Committee and am interested in the subject. I appreciate his allowing me to speak in morning business on another matter.

With that, I yield the floor.

#### IMPLEMENTATION OF USDA DISASTER ASSISTANCE PROGRAMS IN CALIFORNIA

Mrs. BOXER. Mr. President, I was a strong supporter in the last Congress of the bill passed and signed into law by President Clinton regarding the reorganization of the Department of Agriculture and Federal crop insurance reform. I would like to again extend my congratulations to Senator LUGAR and Senator LEAHY for their outstanding efforts on the passage of this very important legislation.

A driving force behind crop insurance reform was to make basic crop insurance obligatory in an effort to avoid ad hoc disaster bills in Congress. Under crop insurance reform, crops that are not eligible for insurance will qualify for disaster relief under the newly created Non-Insured Assistance Program [NAP]. We are not sure how the NAP Program will work and how effective it will be in helping farmers of noninsurable crops who have suffered a natural disaster. The NAP regulations are still being drafted by the Department of Agriculture.

California agriculture has recently experienced devastating floods. California Food and Agriculture Secretary Henry J. Voss has estimated that damage resulting from the March winds, rains, and flooding in California is over \$665 million.

Commodities suffering severe losses statewide include almonds, \$208 million; strawberries, \$63 million; plums and prunes, \$53 million; lettuce, \$40 million; and apricots, \$20 million.

One of the hardest hit counties is Monterey County, which has suffered over \$240,000 million in damages. Over 70,000 acres of agricultural land have been lost or damaged. I share Congressman SAM FARR's grave concern about

how the Department of Agriculture will help these farmers get on their feet again.

My purpose in raising this issue today is to ensure that implementation of crop insurance reform is successful, that it achieves the goal of helping farmers recover quickly, and that it avoid the need for another ad hoc disaster bill.

The Department of Agriculture, in implementing the new Non-Insured Assistance Program and other disaster relief programs, should do so in a way that appropriately meets the needs of California agriculture.

We have the situation in California, especially in the case of specialty crop growers, where farmers may not qualify for the Non-Insured Assistance Program, due to various criteria. Note that of the 250 crops grown in California only about 10 are covered by crop insurance.

There are two specific issues which I hope, with your help, and with the ongoing efforts of Congressman FARR, we can urge the Department of Agriculture to resolve administratively.

At this point, I would like to ask my colleagues Senator LUGAR and Senator LEAHY several questions regarding the implementation of the agriculture disaster assistance programs by the U.S. Department of Agriculture.

Would the Senators agree with me that we must urge the Department of Agriculture to ensure that "area" is defined in a fair and equitable manner?

Mr. LUGAR. Yes, I agree that the Department of Agriculture must ensure that "area" is defined in a fair and equitable manner, consistent with the need for fiscal responsibility and program integrity. The issue should be resolved administratively so that the definition of "area" is sufficiently flexible and sensitive to the agronomic practices of the area that has suffered the disaster.

Mr. LEAHY. I concur.

Mrs. BOXER. Another issue of critical importance to farmers in California and their ability to recover from the disastrous floods they are experiencing is the issue of crop losses in cases where a grower plants and harvests multiple crops in 1 year. To qualify for the Non-Insured Assistance Program, a farmer must lose 50 percent of the crop in a crop year. Loss is counted differently depending on whether a farmer plants the same crop over and over again—as in the case of lettuce growers—or whether a farmer grows and harvests different crops in 1 year.

In the case of a lettuce producer who raises multiple crops of lettuce in 1 year, for example, the producer won't be eligible for non-insured assistance based on losses for a single harvest even if he loses 100 percent of his crop. In comparison, a producer who raises wheat followed by soybeans—which commonly occurs in the south—would be eligible if the grower lost 50 percent of the wheat crop. The grower would again be eligible for his soybeans if he

had significant losses. In contrast, the lettuce producer who suffered 100 percent loss of his crop would receive nothing.

Would the Senators agree with me that we must urge the Department of Agriculture to ensure that the multiple planting issue is dealt with in an equitable manner?

Mr. LUGAR. I agree that we must urge the Department of Agriculture to ensure that the "multiple planting issue" is dealt within an equitable manner, consistent with the need for fiscal responsibility and program integrity.

Mr. LEAHY. I concur.

Mrs. BOXER. I thank very much Senator LUGAR and Senator LEAHY for their support on this issue. I hope that our statements today will help guarantee that farmers are treated equitably.

There is another issue I am very concerned about regarding the implementation of agriculture disaster assistance programs by the USDA in California. Many small- and medium-sized farmers may not qualify for low-interest loans because they may not be considered a family farm, given the working administrative definition regarding "the substantial contribution of labor." Many specialty crops, including strawberries, by their very nature require intensive labor. It is simply not fair to exclude them from disaster assistance.

We seem to have a disaster assistance policy that is not equitable where small- and medium-sized farmers are concerned. I believe that just as the Federal Government steps in to help small- and medium-sized businesses with disaster relief low-interest loans to help business men and women rebuild, so too it should step in to help families who have staked out their business interests in agriculture. Why should a shop owner who sells fruits and vegetables be eligible for help from the Small Business Committee and not the farmer who planted and harvested those fruits and vegetables?

I urge the Department of Agriculture to ensure that family farm is interpreted to take into account the cultural practices in the area where the damaged crop is being grown, as well as the common agricultural practices of the particular crop in question. I also urge the Department of Agriculture to be as flexible as possible with the working administrative definition regarding "the substantial contribution of labor" to ensure that growers of crops that by their very nature require intensive labor not be excluded them from disaster assistance.

I would like to reiterate that the issues I have raised today can be resolved easily if the Department of Agriculture were to carefully consider and take into account the cultural practices in the area where the damaged crop is being grown, as well as the common agricultural practices of the particular crop in question. On the

issue of the definition of "area" I would like to add the following:

As I previously mentioned, we have the situation in California, especially in the case of specialty crop growers, where farmers may not qualify for the Non-Insured Assistance Program, due to various criteria. Note that of the 250 crops grown in California only about 10 are covered by crop insurance.

To qualify for the Non-Insured Assistance Program, there has to have been a loss in 30 percent of an "area." The term "area" was not defined in the legislation and the Department of Agriculture is currently looking into just how this will be implemented. There is talk of "area" being defined as a county, or as 250,000 acres or as 35,000 acres. We have crops in California where this definition would automatically exclude many of our farmers. For example, in the counties of Monterey and Santa Cruz, about 45 percent of the strawberry crop for the Nation is grown on a total of 10,000 acres. We must ensure that "area" is defined equitably in a way that does not exclude California farmers.

On the multicrop issue I would like to add the following:

To be fair to California farmers, the Department of Agriculture should consider each harvest as a separate crop for the purposes of eligibility for disaster assistance. It is my understanding that this was the policy until 1994 and that the 1995 floods will be the first test case of the new policy. Although it may appear that all crops are treated equitably, this is not the case in reality, given the fact that most program crops are not planted over and over again; they are always intermixed; that is, soybeans after corn, and so forth. Again, I strongly urge the Department of Agriculture to take into account the common agricultural practices of farmers when looking at how crop loss is counted for eligibility to the Non-Insured Assistance Program.

Mr. LUGAR. Mr. President, I understand and applaud the Senator's concern for her constituents. However, I must also urge the Department to be cautious in approaching the definition of "family farm." In years past, the Farmers Home Administration made emergency loans to large farmers in California and other States that led to millions of dollars in individual indebtedness and enormous losses to taxpayers. On March 31, a hearing in the Agriculture Committee pointed up the substantial losses that we are still likely to incur on these loans and made it clear that the Department has continued to write off debt owed by million-dollar borrowers, despite statements of outrage at past lending practices.

Given this unfortunate history, I believe the Department should move with extreme caution and should act to avoid a repetition of past abuses. The Farmers Home Administration—now a part of the Consolidated Farm Services Agency—was intended to serve family

farmers, and the agency's experience in lending to farms of extremely large size is not a happy one.

#### TRIBUTE TO STATE SENATOR LES KLEVEN

Mr. PRESSLER. Mr. President, last week South Dakota lost a great public servant, State Senator Les Kleven. Les lost a brave and courageous fight against cancer. His leadership and innovation will be greatly missed.

A native of North Dakota, Les moved to Sturgis, SD, in 1962 to start KBHB radio station. Under his direction and leadership, KBHB grew to become one of the premier radio stations in western South Dakota. To this day, it remains an important source of news, information, and entertainment to thousands of listeners in western South Dakota and nearby States. Over the years, Les often had his station broadcast live the meetings I held in the Sturgis area on agricultural disasters, the farm bill, and other important issues. I always appreciated his valuable advice on issues important to the South Dakota broadcast and radio industry, as well as many other issues.

Les was a past president of the South Dakota Broadcasters Association. His love for South Dakota and service to the State did not begin and end with radio. He served three terms in the South Dakota State House of Representatives in the 1970's. In 1992, Les was elected to the South Dakota State Senate. Of course, much as he did on the air waves, he significantly affected South Dakota political currents. Throughout his career as a member of the South Dakota State Legislature, Les distinguished himself as a leader and fiscal conservative. His constituents and his colleagues knew him to be independent, straightforward, and fair. Indeed, his contributions to the State of South Dakota will long be remembered.

Most important, Les was a family man. Though all who knew Les held him in high respect and admiration, none could be more proud of him than his mother Alice, his lovely wife, Marguerite, and his two children, Andy and Jazal.

Les Kleven's honesty and integrity will be greatly missed. His accomplishments as a radio innovator, a State legislator, and a proud father provide an inspiring example of the South Dakota spirit—a man who gave to his profession, his community, his State, and to his family. Les was a family man, a pillar of the community, and a good friend.

We will all miss him.

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

#### ARMENIAN GENOCIDE

• Mr. LAUTENBERG. Mr. President, I rise today to commemorate the 80th anniversary of the Armenian genocide.

The Armenian genocide marks an ignominious chapter in world history. It reminds us how low unchecked hatred can drag the human spirit, unleashing cruelty and brutality. As we memorialize the Armenians who died needlessly in the genocide, we must resolve never to forget how they suffered at the hands of the Ottoman Empire.

Nor can we forget how the Armenian people continue suffering today as the country struggles to cope with the devastating impact of Azerbaijan's blockade. The blockade has put a stranglehold on the Armenian people. Necessities—like food and heating oil—are in scarce supply. Such shortages endanger the lives of many in Armenia, especially during the harsh winter months.

While humanitarian assistance provided by the United States can help alleviate the suffering, it cannot lift the blockade. Only the Government of Azerbaijan can do that. That is why we must continue to apply pressure. We should not provide United States foreign assistance to Azerbaijan as long as it maintains its blockade of Armenia. The blockade should be lifted without delay.

Mr. President, I hope my colleagues will join me in commemorating this anniversary. It is important that we remember the atrocities of the past, and support efforts to allow the Armenian people an opportunity to live in peace in the future. •

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

#### COMMONSENSE PRODUCT LIABILITY AND LEGAL REFORM ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of H.R. 956, which the clerk will report.

The bill clerk read as follows:

A bill (H.R. 956) to establish legal standards and procedures for product liability litigation, and for other purposes.

The Senate proceeded to consider the bill.

Mr. PRESSLER. Mr. President, as the Senate begins its debate of H.R. 956 I wish, as chairman of the Senate Committee on Commerce, Science, and Transportation, to discuss the provisions of S. 565—the Product Liability Fairness Act—as reported by our committee. S. 565 as reported will be offered as a substitute for H.R. 956, therefore I shall discuss the Senate bill as we begin this debate. Earlier this month, the Commerce Committee conducted extensive hearings over 2 days and then voted 13 to 6 to report the legislation with an amendment on April 6. S. 565 as reported is a fair and balanced bill.

Mr. President, as we begin I cannot help but point out: Here we are again—product liability reform being debated

by the Senate of the United States. Do not get me wrong. As chairman of the Commerce Committee, I am proud to bring S. 565 to the floor. So why do I say, "Here we are again"? It is not that I do not think this is an important issue. Far from it. This bill is vital. It is vital not just to America's businesses but also to our Nation's workers and consumers. It also is vital to the victims of injuries caused by products.

#### THE HISTORY

It is just that we have come this far before. Indeed, since 1981, the Senate Committee on Commerce, Science, and Transportation has held 23 days of hearings on product liability reform. S. 565 marks the seventh piece of product liability reform legislation reported by the Commerce Committee over that 15-year period. It is my fervent hope this time we can achieve meaningful results.

Mr. President, I see no reason why we cannot. This year's bill is balanced and reasoned. I consider it superior to legislation debated in the last Congress in that it does not include a provision to disallow punitive damage awards in lawsuits for certain manufacturers receiving pre-market certification from the Federal Aviation Administration.

As my colleagues know, that section of last year's bill made this Senator extremely uncomfortable, so uncomfortable as to put me in the equally uncomfortable position of voting against cloture on legislation addressing other legal reforms I have supported and voted for many times over the years.

I personally have been involved in the product liability reform movement since the early 1980's. I am proud of that. I was an original cosponsor of the Risk Retention Act that became law in 1981 and provided for liability insurance pools—or risk retention groups—for businesses. Throughout the 1980's I cosponsored numerous uniform product liability bills with Senators Kasten, Danforth, and GORTON. The early bills were supported strongly by the business community but lacked bipartisan support in Congress. I chaired Small Business Committee field hearings in Sioux Falls and Rapid City, SD, on this issue in 1985.

I commend the efforts to Senators GORTON and ROCKEFELLER with regard to S. 565. They are, indeed, tireless advocates for meaningful reform of America's product liability system. They demonstrated serious leadership in the committee on this issue and the bill reflects their commitment.

#### KEY PROVISIONS

I would now like to take a few minutes to briefly highlight some of the key provisions of S. 565 as reported.

#### ALTERNATIVE DISPUTE RESOLUTION

This legislation provides either party in a product liability suit may offer to participate in a voluntary, nonbinding state-approved alternative dispute resolution [ADR] procedure. If a defendant in a products suit is asked to participate in ADR and refuses and later a